

CiCi CUNNINGHAM, ESQ.
Nevada Bar No. 4960
LAW OFFICE OF CiCi CUNNINGHAM
A Professional Corporation
2831 St. Rose Parkway, Suite 251
Henderson, NV 89052
Telephone: (702) 932-7763
Facsimile: (702) 818-1065
Proposed Attorney for
Debtors-In-Possession

EFILED 12-8-11

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

| | | |
|----------------------------------|---|------------------------|
| In Re: |) | Case No.: 11-15796-BAM |
| |) | Chapter 11 |
| JOSE UNSON and ELSA UNSON, |) | |
| |) | |
| Debtors. |) | Hearing: |
| |) | Date: N/A |
| Address: 1348 S. Barranca Avenue |) | Time: N/A |
| Glendora, CA 91740 |) | |
| |) | |

NOTICE OF ENTRY OF ORDER

YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that an Order was entered on December 5, 2011. A copy of which is attached.

DATED this 8th day of December 2011.

LAW OFFICE OF CiCi CUNNINGHAM

By: 

CiCi CUNNINGHAM, Esq.
Bar No. 4960
LAW OFFICE OF CiCi CUNNINGHAM
2831 St. Rose Parkway, Suite 251
Henderson, NV 89052
CiCiEsq@cox.net
Attorney for Debtors-In-Possession

LAW OFFICE OF CiCi CUNNINGHAM
2831 ST. ROSE PARKWAY, SUITE 251, HENDERSON, NEVADA, 89052
TELEPHONE: (702) 932-7763 * FACSIMILE: (702) 818-1065

CERTIFICATE OF SERVICE

1. On December 8th, I served the following document(s):

NOTICE OF ENTRY OF ORDER APPROVING MOTION TO VALUE

COLLATERAL. I served the above-named document(s) by the following means to the persons as listed below:

(Check all that apply)

X a. ECF SYSTEM *(you must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary)*

JEREMY T BERGSTROM on behalf of Creditor BANK OF AMERICA, N.A., SUCCESSOR
BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME
LOANS SERVICING, LP
mbergstrom@mileslegal.com

CICI CUNNINGHAM on behalf of Debtor JOSE UNSON
ciciesq@cox.net

PHILIP S. GERSON on behalf of Debtor JOSE UNSON
banknv@rocgd.com, mburgener@rocgd.com

KEVIN HAHN on behalf of Creditor JPMorgan Chase Bank, N.A.
kevin@mclaw.org

CHRISTOPHER M. HUNTER on behalf of Creditor AURORA LOAN SERVICES LLC, ITS
ASSIGNEES AND/OR SUCCESSORS
bknotice@mccarthyholthus.com,
chunter@mccarthyholthus.com;nvbkcourt@mccarthyholthus.com

LAW OFFICE OF CICI CUNNINGHAM
2831 ST. ROSE PARKWAY, SUITE 251, HENDERSON, NEVADA, 89052
TELEPHONE: (702) 932-7763 * FACSIMILE: (702) 818-1065

LAW OFFICE OF CICI CUNNINGHAM
2831 ST. ROSE PARKWAY, SUITE 251, HENDERSON, NEVADA, 89052
TELEPHONE: (702) 932-7763 * FACSIMILE: (702) 818-1065

1 CHRISTOPHER K LEZAK on behalf of Creditor AURORA LOAN SERVICES LLC, ITS
2 ASSIGNEES AND/OR SUCCESSORS

3 bknotice@mccarthyholthus.com,
4 nvbkcourt@mccarthyholthus.com;clezak@mccarthyholthus.com

5
6 MATTHEW M. MCARTHUR on behalf of Creditor Aurora Loan Services, LLC
7 mmcarthur@piteduncan.com, ecfnvb@piteduncan.com

8
9 U.S. TRUSTEE - LV - 11
10 USTPRegion17.lv.ecf@usdoj.gov

11
12 ACE C VAN PATTEN on behalf of Creditor Aurora Loan Services, LLC
13 avanpatten@piteduncan.com, ecfnvb@piteduncan.com

14
15 GREGORY L. WILDE on behalf of Creditor Saxon Mortgage Services, Inc.
16 bk@wildelaw.com

17 **X b. United States mail, postage full prepaid** (*List persons and addresses. Attach additional*
18 *paper if necessary*)

19 ***Served by regular first class mail:***

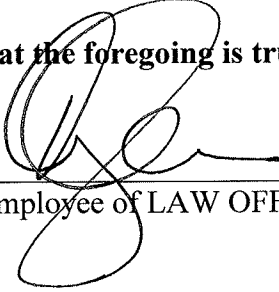
20 BAC Home Loans Servicing, LP
21 1757 Tapo Canyon Road
22 Mail Stop: CA6-913-LB-11
Simi Valley, CA 93063

23 DEAN PROBER on behalf of Creditor BAC Home Loans Servicing, LP
24 20750 VENTURA BOULEVARD SUITE 100
25 WOODLAND HILLS, CA 91364

26 RECOVERY MANAGEMENT SYSTEMS CORPORATION
27 25 S.E. SECOND AVENUE
28 INGRAHAM BUILDING, SUITE 1120
MIAMI, FL 33131-1605

1
2 Saxon Mortgage Services, Inc.
3 c/o Aldridge Connors LLP
4 780 Johnson Ferry Rd. NE
5 Suite 600
6 Atlanta, GA 30342

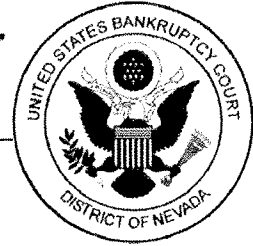
7 **I declare under penalty of perjury that the foregoing is true and correct.**
8 **Signed on: December 8, 2011**

9 
10 _____
11 Employee of LAW OFFICE of CiCi CUNNINGHAM
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAW OFFICE OF CiCi CUNNINGHAM
2831 ST. ROSE PARKWAY, SUITE 251, HENDERSON, NEVADA, 89052
TELEPHONE: (702) 932-7763 * FACSIMILE: (702) 818-1065

Bruce A. Markell

Honorable Bruce A. Markell
United States Bankruptcy Judge



Entered on Docket
December 05, 2011

LAW OFFICE OF CiCi CUNNINGHAM
2831 ST. ROSE PARKWAY, SUITE 251, HENDERSON, NEVADA, 89052
TELEPHONE: (702) 932-7763 * FACSIMILE: (702) 818-1065

CiCi CUNNINGHAM, ESQ.
Nevada Bar No. 4960
LAW OFFICE OF CiCi CUNNINGHAM
A Professional Corporation
2831 St. Rose Parkway, Suite 251
Henderson, NV 89052
Telephone: (702) 932-7763
Facsimile: (702) 818-1065
Attorney for Debtors-In-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

| | | |
|----------------------------------|---|--|
| In Re: |) | Case No.: 11-15796-BAM |
| |) | Chapter 11 |
| JOSE UNSON and ELSA UNSON, |) | |
| |) | |
| |) | |
| Debtors. |) | Hearing: |
| |) | Date: October 18 th , 2011 |
| Address: 1348 S. Barranca Avenue |) | Time: 9:00am |
| Glendora, CA 91740 |) | |
| |) | |

Upon the motion (the "Motion") of Jose and Elsa Unson, the debtors and debtors-in-possession in the above captioned case (the "Debtors"), requesting entry of an Order to Value Collateral, "Strip Off" and Modify the Rights of Unsecured Creditors for the Property Address Located at **1254 FRAYA DRIVE, LAS VEGAS, NV 89119** (the "Property"), pursuant to 11 U.S.C. §

1 506(a) and § 1123: and due notice of the Motion and the hearing of the Motion having been given
 2 to all parties entitled thereto; and a hearing having been held before this Court on October 18, 2011
 3 to consider approval of the Motion, at which time all parties in interest were afforded an opportunity
 4 to be heard;

5
 6 IT IS HEREBY ORDERED that the Motion as to the Second Lienholder, Bank of
 7 America is GRANTED; and

8 IT IS FURTHER ORDERED that due to the value of the property and the estimated
 9 amount of the first lien, there is no equity remaining to be secured by the Second Lienholder's lien;
 10 and

11 IT IS FURTHER ORDERED that the unsecured portion of the Second Lienholder
 12 Lenders' claim, (which is the entire amount of its lien) is reduced and shall be treated as "general
 13 unsecured claims", pursuant to 11 U.S.C. § 506(a); and

14 IT IS FURTHER ORDERED that in accordance with the appraised value of the
 15 Property in the amount of \$125,000.00, which was not refuted by Bank of America, the Bank of
 16 America creditor's "wholly unsecured claim" shall be treated as a general unsecured claim,
 17 pursuant to 11 U.S.C. § 506(a). The total amounts of Bank of America's claim against the Property
 18 is as follows:
 19

20 a. Second Lien - Bank of America -Loan Number:*****9699

21 1. Secured Claim - \$00.00

22 2. Unsecured Claim - \$49,000.00.

23 IT IS FURTHER ORDERED that Bank of America's second lien claim against
 24 the Property is hereby "Stripped Off" and shall be treated as a "general unsecured claim"
 25 pursuant to 11 U.S.C. § 506(a) upon effectuation of the Debtors' Chapter 11 Plan; and
 26
 27
 28

1 IT IS FURTHER ORDERED that unsecured portions of the Second Lienholder
 2 Lender's claim be reclassified as general unsecured claims to be paid pro rata with other general
 3 creditors through the Debtor's Chapter 11 plan; and
 4

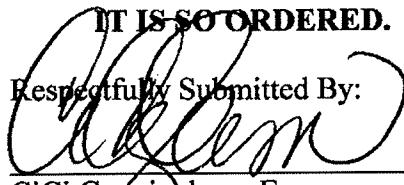
5 IT IS FURTHER ORDERED that nothing in this order shall impair the rights of the
 6 First Lienholder in any way.

7 IT IS FURTHER ORDERED that this Court retains jurisdiction to hear all matters
 8 relating to or arising from the entry of this Order; and

9 IT IS FURTHER ORDERED that as provided by Fed. R. Bankr. P. 7062, this
 10 Order shall be effective and enforceable immediately upon entry.

11 ~~IT IS SO ORDERED.~~

12 Respectfully Submitted By:

13 
 14 CiCi Cunningham, Esq.
 Nevada Bar No. 4960
 15 LAW OFFICE OF CiCi CUNNINGHAM
 2831 St. Rose Parkway, Suite 251
 16 Henderson, NV 89052
 17 CiCiEsq@cox.net
 702-932-7763

18 **SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021**

19 In accordance with LR 9021, counsel submitting this document certifies as follows:

20 ☐ The Court has waived the requirement of approval under LR 9021.

21 ☒ No party appeared at the hearing or filed an objection to the motion *as it pertains to the*
 22 ***Second Lienholder. The First Lienholder filed an opposition but did not appear at the***
 23 ***hearing. A hearing for the First Lienholder is scheduled for December 13, 2011 at***
 24 ***9:00am.***

25 ☐ This is a Chapter 7 or 13 case, and either with the motion, or at the hearing, I have
 26 delivered a copy of this proposed order to all counsel who appeared at the hearing, any
 27 unrepresented parties who appeared at the hearing, and each has approved or disapproved
 28 the order, or failed to respond, as indicated below (list each party and whether the party
 has approved, disapproved, or failed to respond to the document):

☐ This is a Chapter 9, 11 or 15 case and I have delivered a copy of this proposed order all
 counsel who appeared at the hearing, any unrepresented parties who appeared at the

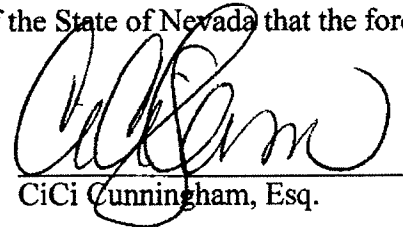
LAW OFFICE OF CiCi CUNNINGHAM
 2831 ST. ROSE PARKWAY, SUITE 251, HENDERSON, NEVADA, 89052
 TELEPHONE: (702) 932-7763 • FACSIMILE: (702) 818-1065

hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved or failed to respond to the document]

I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

| | APPROVED | DISAPPROVED | NO RESPONSE |
|--|----------|-------------|-------------|
| | | | |
| | | | |
| | | | |

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.


CiCi Cunningham, Esq.